

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: WALNUT TELEPHONE CO., d/b/a WALNUT COMMUNICATIONS	DOCKET NO. 199 IAC 39.2(4)
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ORDER DESIGNATING ELIGIBLE TELECOMMUNICATIONS CARRIER

(Issued December 30, 2004)

On December 1, 2004, Walnut Telephone Co., d/b/a Walnut Communications (Walnut), filed with the Utilities Board (Board) an application for universal service eligible telecommunications carrier (ETC) status in Iowa pursuant to 199 IAC 39.2(4). No objections have been filed regarding this application.

Board rule 39.2 provides a means by which the Board can designate Iowa telecommunications companies to be eligible to receive funding from the universal service fund, as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254. Under the Act (and the Federal Communications Commission regulations implementing the Act), the Board must determine that a carrier meets certain service requirements before it may be designated an eligible carrier as set forth in subrule 39.2(4). The carrier must:

- 1) Offer the services supported by the federal universal service fund;

- 2) Offer the services using its own facilities or a combination of its own facilities and resale (47 C.F.R. § 54.201(c) provides that "own facilities" includes purchased unbundled network elements);
- 3) Advertise the availability of the supported services; and,
- 4) Offer the services throughout the designated service area.

In its request for designation, Walnut states that it satisfies each of these requirements. Based on that representation, the Board finds that Walnut offers the services supported by the federal universal service fund, using its own facilities or a combination of its own facilities and resale of the facilities of another carrier. The Board also finds that Walnut advertises and offers the services throughout its designated service area.

The Board notes that pursuant to federal mandate, Walnut is required to file an annual certification with the Board regarding its use of universal service funds. This filing should be made pursuant to subrule 22.2(7), as described in Docket No. RMU-01-14, Certification of Rural and Non-Rural Telecommunications Carriers.

IT IS THEREFORE ORDERED:

1. Eligible telecommunications carrier status is granted to Walnut Telephone Co., d/b/a Walnut Communications, as requested on December 1, 2004. The designated service area shall be the service territory as established in its certificate of public convenience and necessity.

2. The Executive Secretary of the Utilities Board shall mail copies of this order to Walnut Telephone Co., d/b/a Walnut Communications, the Universal Service Administration Company, the Federal Communications Commission Universal Service Branch, and the Federal Communications Commission Office of the Secretary.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 30th day of December, 2004.